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Written statement* submitted by European Centre for Law and Justice, The / Centre Europeen pour le droit, les Justice et les droits de l'homme, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 August 2018]

* Issued as received, in the language(s) of submission only.

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Requesting that the U.N. Urge Pakistan's New Government to Protect Its Minority Citizens' Lives and Fundamental Freedoms

1. Introduction

Religious minorities in the Islamic Republic of Pakistan continue to face human rights abuses, including mob violence, police torture, false accusations of blasphemy, rape, murder, and other forms of violence on a regular basis. Authorities in Pakistan have shown a continuous inability or unwillingness to protect its minorities from such abuses.

The ECLJ's affiliate office in Pakistan has first-hand knowledge about many instances where religious minorities, especially Christians, have endured persecution, and offers legal assistance.

2. Background

After the recent elections, Pakistan Tehreek-e-Insaaf won most seats in the National Assembly and will likely form a new government with the party's leader, Imran Khan, as the new Prime Minister. Under the new leadership with its mandate to end corruption, the government must be reminded that the previous governments have blatantly violated the human rights of religious minorities. Such human rights abuses are illustrated through the governments' indifference towards frequent terrorist attacks on minorities, the maintaining of broad and abusive blasphemy laws that carry the potential of capital punishment, the inadequate response to targeted crimes against Christians and other religious minorities, and the failure to carry out punishment for such crimes.

While the Constitution of Pakistan protects fundamental rights, in practice, the government has failed to adequately protect these rights. Additionally, regardless of a landmark order given by former Chief Justice Tasadduq Hussain Jillani in 2014, providing a list of instructions to the government for the protection of religious minorities[1], Pakistan has yet to implement most of these instructions[2].

Justice Jillani directed the government to 1) form a 'taskforce' to develop religious tolerance strategies; 2) 'appropriate curricula' promoting a 'culture of religious and social tolerance' in public schools and colleges in adherence to the United Nations' Declaration on the Elimination on All Forms of Intolerance and of Discrimination Based on Religious or Belief; 3) take steps to eliminate 'hate speech' from social media and punish hate speech participants; 4) form a National Council for minorities in order to monitor, safeguard, and implement policies to protect minorities' rights; 5) establish 'a special police force' to safeguard minorities' places of worship; 6) enforce the 'reservation of quota for minorities in all services'; 7) take 'prompt action' when minorities' lawful religious rights are violated or criminal actions occur; and 8) 'open a separate file before a Three Members Bench' to enforce this judgement[3]. The complete disregard for minorities' rights, despite constitutional guarantees, combined with the government's indifference to Justice Jilliani's instructions, effectively prohibits religious minorities from enjoying the legal rights and protections that should be afforded them[4].

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[1] *Suo Motu Case*, (2014) 699 PLD (SC) (Pak.).

[2] Asif Aqeel and World Watch Monitor Staff, *Landmark Judgment on Pakistani Religious Minorities yet to be Honoured by the State*, WORLD MATCH MONITOR (May 14, 2018), https://www.worldwatchmonitor.org/2018/05/landmark-judgment-on-pakistani-religious-minorities-yet-to-be-honoured-by-the-state/.

[3] *Suo Motu Case*, *supra* note **Error! Bookmark not defined.**, para. 37(i)–(viii).

[4] *See* Aqeel, *supra* note **Error! Bookmark not defined.**.

As noted in previous reports filed with the Human Rights Council (HRC), one of the most tragic examples of religious persecution is the attacks on Christian churches and communities both by terrorists and Muslim mobs[5]. Such persecution has continued despite Pakistan's attempt to impose security regulations for places of worship by enacting the Punjab Security of Vulnerable Establishments Act ('the Security Act') in 2015.

After receiving pressure from the local Muslims, police officials and civil authorities in the Nayya Sarabah (Chak 336) village, part of the Toba Tek Singh district near Faisalabad, refused to provide security to the Full Gospel Assemblies Church[6]. The police officials further told the Christians residing in that village that they were not allowed to gather in the church or their homes for worship. The officials told the pastor of the church that the church must be registered with the civil authorities in order for it to be provided security. However, there is no provision either in the Security Act or any other law that requires religious institutions, such as a church or a mosque, to be registered before they can be provided security. Under the Act, 'vulnerable establishment' means, *inter alia*, 'a place of worship or any other religious place'[7]. Additionally, the determination that a place of worship is a vulnerable establishment does not depend on whether it is registered on not.

The HRC must also raise concerns regarding Pakistan's infamous blasphemy laws with the government. As previously noted by the ECLJ and numerous other organisations, blasphemy laws are broad and easy to misuse[8]. Blasphemy charges often result from personal vendettas. Since Pakistan enacted these laws in the 1980s, over one thousand cases have been registered and over forty people are on death row or serving life sentences[9]. Over fifty people have been killed over blasphemy allegations in mob attacks or attacks by individuals. Additionally, hundreds of people accused of blasphemy are serving or have served prison terms ranging from three to ten years.

The HRC must raise Asia Bibi's case with the Pakistani government. Asia, a Christian mother of five, was charged with and convicted of blasphemy for offering her co-workers water from her cup, for refusing to accept Islam, and for reaffirming her faith in Jesus Christ. Asia has spent over eight years in prison. Now she awaits her appeal to be heard by the Supreme Court of Pakistan. With the conviction of the former Prime Minister Nawaz Sharif, Pakistani courts have shown some promising attitude against corruption and abuse of power. It is time for the government to address the unjustified convictions under the blasphemy laws as well as take measures against other human rights abuses of its citizens.

Disconcertingly, during the recent elections, a political party called Tehreek-e-Labbaik Pakistan called for those who commit blasphemy to be put to death while celebrating and encouraging for others to kill alleged blasphemers[10]. In support of blasphemy laws, the party went even as far as to use recent election posters featuring images of individuals who have killed alleged blasphemers.[11]

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[5] *See, e.g.*, Salman Masood, *Pakistan Church Attacked by 2 Suicide Bombers*, N.Y. TIMES (17 Dec. 2017), https://www.nytimes.com/2017/12/17/world/asia/pakistan-quetta-church-attack.html.

[6] Asif Aqeel, *Pakistan: Christians Told They Can't Have a Church in Muslim-majority Village*, WORLD WATCH MONITOR (4 June 2018), https://www.worldwatchmonitor.org/2018/06/pakistan-christians-told-they-cant-have-a-church-in-muslim-majority-village/.

[7] The Punjab Security of Vulnerable Establishments Act, No. 14 of 2015, § 2(i), 18 Mar. 2015.

[8] The statute prohibiting derogatory speech against the Prophet Muhammad covers anything, words or gestures, that can be interpreted as blasphemous by a listener. Pak. Penal Code § 295-C.

[9] Naila Inayat, *Pakistan Alarms U.S. with Harsh Blasphemy Laws Allowing Rise of Radical Islam*, WASH. TIMES (16 Jan. 2018), https://www.washingtontimes.com/news/2018/jan/16/pakistans-islam-blasphemy-laws-hurt-us-relations/.

[10] *Blasphemers Should Be Put to Death, Says One Pakistan Party as Elections Near*, WORLD WATCH MONITOR (11 July 2018), https://www.worldwatchmonitor.org/coe/blasphemers-should-be-put-to-death-says-one-pakistan-party-as-elections-near/.

[11] *Id.*

In light of the climate of religious intolerance in Pakistan, the new Cardinal of the Catholic Church, Joseph Coutts, expressed his own concern with the government's inability to control Islamic extremism[12]. Coutts stated that Pakistan's government is not strong enough to control the level of extremism that has developed. Even the cardinal himself was threatened by extremists[13]. After visiting a Muslim friend's madrassa, he received a violent written warning[14].

3. Request

Pakistan's government, under the new leadership, will now not only have an opportunity, but also has the indispensable duty, to protect all Pakistani citizens, despite and even because of their religious beliefs. The ECLJ requests that the HRC urge the Pakistani government to address human rights issues, especially the minorities' right to religious freedom, equal protection of law, and protection from religiously-motivated violence.

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[12] *Pakistan's New Cardinal Says Government Unable to Stop Religious Extermism*, WORLD WATCH MONITOR (29 June 2018), https://www.worldwatchmonitor.org/coe/pakistans-new-cardinal-says-government-unable-to-stop-religious-extremism/.

[13] *Id.*

[14] *Id.*